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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,974	11/26/2003	William Todd Hurst	5703-00059	9503

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EXAMINER
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CULBRETH, ERIC D

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/723,974

Applicant(s)

HURST, WILLIAM TODD

Examiner

Eric D Culbreth

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 8-16 and 18-25 is/are rejected.
- 7) ☒ Claim(s) 4, 6, 7 and 17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/6/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 110 (page 4, line 26). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the folded airbag in the housing (claims 1, 9, and 24) and apertures wider than the hooks (claim 1) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure

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must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: There is no support in the specification for the housing having a folded airbag or cushion (claims 1, 9 and 24).

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 3, 19 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 is reversed (the plate is overmolded with the adapter, not the adapter overmolded with the plate).

Claim 19 is reversed to the invention (the airbag housing fits inside the second peripheral wall, not vice versa as claimed).

Claim 22, in reciting the first peripheral wall sloping relative to the second peripheral wall, contradicts claim 15 from which it depends, which claims the first peripheral wall is substantially perpendicular to the second peripheral wall.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 9, 14-16, 18-19, and 21-23 as best understood are rejected under 35 U.S.C. 102(b) as being anticipated by Ohmiya (US006250669B1).

Ohmiya discloses a housing for an inflatable restraint system comprising a plurality of retainer panels attachable to form a rectangular retainer body 24 with panel 24B having hooks 37A (Figure 4) and a plastic adapter 32 as broadly recited (resin door insert 32 at column 4, lines 40-44) with portions 39A, 39B positionable around the body 24 in Figure 1 and a flange projecting perpendicular to the wall portions in Figure 4 at 32A. one of the wall portions 39A includes apertures 41 receiving hooks 37A. the apertures have widths greater than a width of the

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hooks to allow movement therebetween (note Figure 1, where there is a clearance between the hooks and apertures (claim 1). In Figure 1, inflatable restraint 28 is folded in retainer 24, as well as gas generator 26 (claim 9). As shown in Figure 2, the first peripheral wall 32A, which is to have an airbag projected through it in Figure 6, is adapted to engage mounting members 46, 18 in a dashboard, and the second peripheral wall 39 engages the air bag housing at hooks 37A (claim 14). In Figure 1 wall 39A is perpendicular to planar wall 32A (claim 15). As seen in Figure 4, second peripheral wall 39 forms a rectangle (claims 16, 18 and 21), and as applicant's walls portions of the second peripheral wall do not attach inside walls of the airbag housing, Ohmiya meets the positive limitations of claim 19. As indefinitely recited, in Figure 1 first peripheral wall 32A slopes relative to second wall 39B (claim 22) and extends outward relative to the second wall 39 (claim 23).

8. Claims 9-10 and 14, 18, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Rose et al (US006161865A).

Rose et al discloses a retainer in Figure 6 with a plurality of attachable panels 44a, 44b, and a plurality of hooks 130 projecting from at least one of the panels. An inflatable restraint 16 is in the retainer, along with a gas generator 20. An adapter 12 as broadly recited is provided for attaching the retainer to an instrument panel as functionally recited (i.e., if desired, an instrument panel could be attached to the cover 12 between the top and the spaced ribs below the top, as functionally recited). The adapter 12 comprises a peripheral top wall 134 with apertures for receipt of the hooks 130 and a flange along the top wall projecting perpendicular to the peripheral wall (claim 9). The adapter 12 defines a portion of a rectangle having a gap along one

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side thereof (where walls 134 are spaced along the peripheral wall. As functionally recited, the gap facilitates flexing of the adapter (claim 10).

Regarding claims 14, 18 and 20, Rose et al's adapter 12 has a first peripheral wall (the top of cover 12) through which an air bag may project and is adapted to engage with mounting members in a dashboard as functionally recited as explained above. The second peripheral wall 134 depends from the first peripheral wall and engages an air bag housing (claim 14); the second peripheral wall at 134 defines a substantially rectangular cross section (claim 18), and the second peripheral wall comprises a discontinuous rectangular cross section (claim 20).

### *Claim Rejections - 35 USC § 103*

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2-3 and 24-25 as best understood are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohmiya in view of Turner (US005348339A).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a metal reinforcing plate overmolded into one of the wall portions as taught by Turner's metal reinforcing insert 216 (column 2, lines 6-14) in order to reinforce where the hooks engage (claims 2-3). Regarding claims 24-25, when Turner states at column 2, lines 6-14 that flange 212 is injection molded, this is a teaching to mold the plastic cover or insert 32 of Ohmiya in the combination, and as noted above the adapter of Ohmiya as broadly recited is

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attached to airbag retainer 24 housing a folded airbag, and the retainer is mounted via flange 32 of Ohmiya engaging with mounting members 46 of instrument panel 18 inasmuch as applicant's invention (claim 24). The plastic adapter in the combination flexes to accommodate the airbag inside a periphery of the sidewall (see Turner, column 3, lines 1-4, where the door flexes to go over tabs 270) (claim 25).

11. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rose et al (US006161865A) in view of Turner.

Rose et al discloses an "adapter" as broadly recited comprising a body 12 with integral planar wall portions 134 adapted to attach to a rectangular airbag retainer (Figure 6 and column 12, lines 25-30), a planar flange projecting outwardly from the wall portions and adapted as functionally recited to attach to a vehicle instrument panel (i.e., the instrument panel could be inserted in the gaps formed between the top flange and the ribs below but spaced from the top flange on the sidewalls), with the plastic body having a discontinuous periphery (i.e., the gaps between each side wall 134). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rose et al to include a molded plastic body as taught by Turner (column 1, lines 64-66 and column 2, lines 6-14 where the flange and hence the rest of the cover is injection molded) in order to form the cover of a well known material for airbag covers in a conventional way (it is noted how the cover is formed (molding) is not patentably distinguishing in an article claim (MPEP 2113)).



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12. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rose et al in view of Turner as applied to claim 5 above, and further in view of Ueno et al (US006338499B2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rose et al and Turner above to include one side wall having a continuous height and second and third sidewalls having heights decreasing in a direction away from the first sidewall as taught by Ueno et al in Figure 5, where wall 24b is a continuous height and walls 24c, 24c decrease away in order to better direct the airbag as it deploys.

13. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rose et al in view of Ueno et al.

Rose et al only teaches first and second walls 134 with apertures. Ueno et al in Figure 5 teaches at least three walls 24a, 24c, 24c with apertures. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rose et al to include at least one aperture on three walls as taught by Ueno et al in order to better secure the adapter and retainer (i.e., with more hooks).

14. Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rose et al in view of Ueno et al as applied to claim 11 above, and further in view of Turner.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rose et al and Ueno et al to include a metallic reinforcing plate with matching apertures in a sidewall as taught by Turner at 216 in order to reinforce the attachment

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point. In the combination Turner teaches in Figure 4 aperture 222C sized so that tab 270 can move in it (claim 13).

***Allowable Subject Matter***

15. Claims 4, 6-7 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Conclusion**

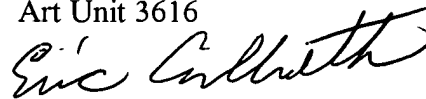
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric D Culbreth whose telephone number is 703/308-0360. The examiner can normally be reached on Monday-Thursday, 9:30-7:00 alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 703-308-2089. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Eric D Culbreth  
Primary Examiner  
Art Unit 3616



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